

House File 2299 - Introduced

HOUSE FILE 2299
BY WINDSCHITL

A BILL FOR

- 1 An Act relating to the exclusion of veterans' disability
- 2 compensation from the claims of creditors and in calculating
- 3 property disposition and support obligations.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 252B.7A, Code 2009, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. Disability compensation received
4 by a party from the United States department of veterans'
5 affairs for service-related injuries shall not be considered
6 income for the purposes of determining a parent's income under
7 this section. For purposes of this subsection, "*disability*
8 *compensation*" includes disability compensation received by a
9 retired servicemember who has waived military retirement pay
10 pursuant to 38 U.S.C. § 5305.

11 Sec. 2. Section 598.11, Code 2009, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 4. The court shall not consider disability
14 compensation received by a party from the United States
15 department of veterans' affairs for service-related injuries
16 in determining the amount of temporary support awarded under
17 this section. For purposes of this chapter, "*disability*
18 *compensation*" includes disability compensation received by a
19 retired servicemember who has waived military retirement pay
20 pursuant to 38 U.S.C. § 5305.

21 Sec. 3. Section 598.13, Code 2009, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 3. Disability compensation, as described
24 in section 598.11, subsection 4, received by a party from
25 the United States department of veterans' affairs for
26 service-related injuries shall not be considered income or
27 property for the purposes of disclosing the financial status
28 of such party.

29 Sec. 4. Section 598.21, Code Supplement 2009, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 6A. *Veterans' disability*
32 *compensation.* Disability compensation, as described in section
33 598.11, subsection 4, received by a party from the United
34 States department of veterans' affairs for service-related
35 injuries shall not be considered property for the purposes of

1 this section.

2 Sec. 5. Section 598.21A, Code 2009, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 3. *Veterans' disability*
5 *compensation.* Disability compensation, as described in section
6 598.11, subsection 4, received by a party from the United
7 States department of veterans' affairs for service-related
8 injuries shall not be considered income for the purposes of
9 this section.

10 Sec. 6. Section 598.21B, subsection 2, paragraph b, Code
11 Supplement 2009, is amended by adding the following new
12 subparagraph:

13 NEW SUBPARAGRAPH. (4) For purposes of calculating a support
14 obligation under this section, disability compensation, as
15 described in section 598.11, subsection 4, received by a party
16 from the United States department of veterans' affairs for
17 service-related injuries shall not be considered income.

18 Sec. 7. Section 598.21C, Code Supplement 2009, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 1A. *Veterans' disability*
21 *compensation.* Changes in the amount of disability compensation,
22 as described in section 598.11, subsection 4, received by a
23 party from the United States department of veterans' affairs
24 for service-related injuries shall not be considered a
25 substantial change in circumstances for the purposes of this
26 section.

27 Sec. 8. Section 627.6, subsection 8, paragraph b, Code 2009,
28 is amended to read as follows:

29 *b.* A veteran's benefit including disability compensation
30 received by the debtor from the United States department of
31 veterans' affairs for service-related injuries. For purposes
32 of this paragraph, "disability compensation" includes disability
33 compensation received by a retired servicemember who has waived
34 military retirement pay pursuant to 38 U.S.C. § 5305.

35 Sec. 9. NEW SECTION. 627.14 *Veterans' disability*

1 **compensation.**

2 Any disability compensation received by a person from
3 the United States department of veterans' affairs for
4 service-related injuries is exempt from garnishment,
5 attachment, execution, and assignment of income, except for
6 the purposes of enforcing child, spousal, or medical support
7 obligations. For purposes of this section, "*disability*
8 *compensation*" includes disability compensation received by a
9 retired servicemember who has waived military retirement pay
10 pursuant to 38 U.S.C. § 5305.

11 EXPLANATION

12 This bill excludes from the claims of creditors and the
13 calculation of property disposition and support obligations
14 under dissolution of marriage and child support determinations,
15 disability compensation received by a party from the United
16 States department of veterans' affairs for service-related
17 injuries including disability compensation received by a
18 retired servicemember who has waived military retirement pay
19 pursuant to 38 U.S.C. § 5305. United States department of
20 veterans' affairs disability compensation, in general, is a
21 benefit paid to a veteran due to injuries or diseases that were
22 incurred in or aggravated by military service.

23 The bill also excludes such disability compensation from
24 garnishment, attachment, execution, and assignment of income,
25 except for the purposes of enforcing child, spousal, or medical
26 support obligations.